

Agenda Item No. 3,1  
For Agenda of Mar. 13, 2007



*Tigard City Council Meeting Minutes*

Date: February 13, 2007  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Gretchen Buehner  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	Mayor Dirksen called the Study Session to order at 6:30 p.m.	
Study Session – Discussion of Tigard Municipal Code Amendment for Solid Waste Management	<p>Public Works Director Koellermeier introduced this topic. Water Quality Coordinator Hart was in attendance as were the following representatives of Tigard's solid waste franchisees:</p> <p>Pride Disposal: Mike Leichner Lee Kell (attorney) Barry Graham</p> <p>Waste Management: Dave Huber</p> <p>A copy of the staff report is on file in the City Recorder's office outlining the problems when non-franchised haulers provide garbage service within the boundaries of the franchised haulers. At the request of the franchisees, the proposed code revisions seek to rectify these problems by giving Pride Disposal and Waste Management the authority to take action against non-franchised haulers. Key points of the revisions proposed to code (TMC Chapter 11.04) are outlined in the staff report.</p> <p>Discussion followed among the City Council, staff and franchisee representatives regarding the proposed code changes. Below are some of the</p>	After discussion, City Council consensus was to move forward with the preparation of an ordinance for the City Council's consideration to revised Tigard Municipal Code Chapter 11.04 regarding solid waste management enforcement.

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	<p>highlights of the discussion:</p> <ul style="list-style-type: none"> <li>◆ If the franchisee is allowed to take action in the Washington County Circuit Court, this would not be a burden on staff.</li> <li>◆ Franchisees would bear full burden of cost in pursuit of enforcement actions.</li> <li>◆ Non-franchised haulers are trying to break the franchise system; it is generally not a case of ignorance of the franchise system.</li> <li>◆ Discussion of whether it would be possible to cite violation of the Tigard Municipal Code to municipal court.</li> <li>◆ Discussion of whether or not attorney fees are awarded to prevailing party.</li> <li>◆ The City would receive revenue from fines; not the franchisee.</li> <li>◆ These problems are being experienced in a number of other jurisdictions.</li> <li>◆ Trash pick up by “junk” collectors is a separate issue.</li> <li>◆ Franchisees believe the primary haulers entering into the franchised area are from Portland; there are a few from the Eugene area.</li> </ul>	
Study Session – Burnham Street Update	<p>City Engineer Duenas presented the information on this item. A memorandum dated January 31, 2007 from City Engineer Duenas to the Mayor and Council and City Manager Prosser regarding an update on this project is on file in the City Recorder's office. Key points are:</p> <ul style="list-style-type: none"> <li>◆ Original cost estimate prepared by OTAK at the beginning of the project was \$3.9 million. The cost is now projected at \$4.9 million for the reasons outlined in the memo referred to above.</li> <li>◆ Funding shortfall is now \$3 million. Priorities in the Community Investment Program (CIP) budget review will include this project.</li> <li>◆ City Manager Prosser said the City Council does not need to make a decision tonight; rather, this is being brought to their attention in advance of the CIP review so they know there will be tradeoffs to consider when setting priorities.</li> <li>◆ Councilor Buehner commented that people are</li> </ul>	

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	<p>unhappy about the Walnut Street project which is not finished and had been the No. 1 project.</p> <ul style="list-style-type: none"> <li>◆ In response to a question from Councilor Woodruff, City Manager Prosser advised that the Green Street grant money will not free up dollars for the Burnham Street project as the grant is for Main Street. The grant also requires the City to match with \$800,000.</li> </ul>	
Study Session – FY 07-08 Council Training	<p>Assistant City Manager Newton reviewed information distributed to the City Council regarding Council training and budget for 2007 and 2008.</p> <p>Discussion followed on how to decide to allocate an amount for the Council's training budget in 2008. Council members agreed to place \$2,500 per Council member in the proposed budget for training during next fiscal year (\$12,500 total). Council members discussed that if one Councilor does not intend to use the \$2,500 allocation then he or she could offer that training money to a fellow Councilor who would like to attend additional training.</p> <p>Council members indicated support for training proposals for staff and would not want to see any cuts in this area of the budget.</p> <p>There was discussion on an upcoming training session sponsored by the League of Oregon Cities: <i>Governing 101: Legal Powers and Impediments Affecting Elected Officials</i>. Council members supported expenditure for the Workshop Fee of \$50 so that Councilor Buehner, as a new City Council member, could attend.</p>	
Study Session: Citizen Comment Cards	Assistant City Manager Newton distributed samples of a proposed Citizen Comment card for City Council review.	
Executive Session	The Tigard City Council went into Executive Session at 7:06 p.m. to discuss real property transaction negotiations under ORS 192.660(2) (e).	

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	Executive Session concluded at 7:15 p.m.	
Administrative Items	<p>The following items were reviewed:</p> <ul style="list-style-type: none"> <li>○ Draft of <i>Tigard City Council Goals 2007</i> was distributed. Consensus of City Council was that this could be distributed as the final draft.</li> <li>○ Council Calendars – February/March: City Council members were asked to bring calendars to the first meeting each month to determine dates to avoid scheduling various meetings.</li> <li>○ Senator Burdick and Representative Galizio are scheduled to meet with the City Council on February 27. City Council agreed to invite Metro Councilor Carl Hosticka to the February 27 City Council meeting as a separate agenda item.</li> <li>○ Franchise agreements will be discussed at an upcoming Metropolitan Area Communications Commission meeting. There was some concern by MACC regarding ex parte contact from franchisees; although this appears to be a legislative matter (not quasi judicial).</li> <li>○ Councilor Harding referred to the Washington County Coordinating Committee and priorities for funding projects. Councilor Harding advised that Westside Economic Alliance Executive Director Schlueter appears to be supportive of projects for this part of the county.</li> <li>○ Brian Wegener and Alexander Craghead spoke at a recent JPACT meeting to request support of the Main Street project.</li> </ul> <p>Study Session concluded at 7:27 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:35 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Buehner, Harding, Sherwood, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports:</p>	

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	<p>None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>											
2. Citizen Communication	<ul style="list-style-type: none"><li>Phil Decker, 14540 SW 148<sup>th</sup> Place, Tigard, OR distributed a page of information entitled <i>Bull Mountain Incorporation, Measure 34-129; How much real support did it have?</i> A copy of this document is on file in the City Recorder's office. Mr. Decker reviewed his interpretation of the statistics he compiled regarding the recent incorporation effort.</li><li>John Frewing, 7110 SW Lola Lane, Tigard, OR commented on park land acquisition and quoted a number which he thought was a high estimate for park property associated with Ash Creek Estates. He noted his concerns that a quid quo pro situation existed with the developer. He asked about receiving more information on this transaction. City Manager Prosser responded that this is an ongoing property negotiation and there is no agreement at this time. This will have to come before the City Council for approval at a public meeting. Mr. Frewing noted his concerns about having the public having the information available so there is an opportunity to review and comment. He requested information as soon as it could be made available.</li></ul>											
3. Consent Agenda	<p>Mayor Dirksen requested Item 3.5 be removed for separate consideration.</p> <p>3.1 Approve Council Minutes for January 9, 2007</p> <p>3.2 Receive and File:</p> <p>3.2.a November 14, 2006 Minutes of Joint Council Meeting with Lake Oswego</p> <p>3.2.b January 30, 2007 Fifth Tuesday Meeting Notes</p> <p>3.2.c Council Calendar</p> <p>3.2.d Tentative Agenda</p> <p>3.3 Approve an Intergovernmental Agreement with Clean Water Services for the Preparation of a Sanitary Sewer Master Plan</p> <p>3.4 Approve Budget Amendment #12 for Sewer Master Plan Project Additional Funding</p>	<p>Motion by Mayor Dirksen, seconded by Councilor Woodruff, to approve the Consent Agenda, with Item 3.5 removed for separate consideration.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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	<p>RESOLUTION NO. 07-07 – A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2006-07 BUDGET TO INCREASE APPROPRIATIONS IN THE SANITARY SEWER CAPITAL PROJECTS BUDGET WITHIN THE COMMUNITY INVESTMENT PROGRAM FOR ADDITIONAL FUNDING FOR THE SANITARY SEWER MASTER PLAN PROJECT</p> <p>3.5    Removed for separate consideration (see below):</p> <p>3.6    Authorize the Mayor to Renew a West Nile Virus Intergovernmental Agreement with Washington County</p> <p>3.7    Authorize the City Manager to sign a Settlement Agreement with the Business Software Alliance (BSA)</p> <hr/> <p>Council then discussed and considered Item No. 3.5:</p> <p>Commend the Members of the Planned Development Code Review Committee for their Service and to Disband the Committee</p> <p>RESOLUTION NO. 07-08 – A RESOLUTION TO COMMEND THE MEMBERS OF THE PLANNED DEVELOPMENT CODE REVIEW COMMITTEE AND TO DISBAND THE COMMITTEE</p> <p>Mayor Dirksen said he asked for this item to be considered separately so the City Council could take the opportunity to thank the members of the Committee for their hard work in working through the issues within the Planned Development Code. The names of the Committee Members were read: Sue Beilke, Gretchen Buehner, Alice Ellis-Gaut, Ron Ellis-Gaut, John Frewing, Bill McMonagle, Charles Schwarz and David Walsh.</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve Resolution No. 07- 08.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes Councilor Buehner    Yes Councilor Harding    Yes Councilor Sherwood   Yes Councilor Woodruff   Yes</p>

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4. Annexation Policy Discussion	<p data-bbox="402 262 1057 401">Community Development Director Coffee introduced this agenda topic. Long Range Planning Manager Bunch presented the staff report; highlights are summarized below:</p> <ul style="list-style-type: none"> <li data-bbox="402 443 1057 653">◆ In January 2006, City Council considered four annexation policy options and agreed that the City should have a “reactive” policy that established a neutral position towards annexation. To lessen the burden on applicants Council waived annexation fees.</li> <li data-bbox="402 659 1057 835">◆ Staff recommends Council’s current policy of reacting to annexation requests when they occur be continued for another 12 months along with continuing the waiver of the annexation fees until July 1, 2008.</li> <li data-bbox="402 842 1057 1052">◆ Staff recommends Council amend Comprehensive Plan Policy 10.2.1 pertaining to annexation and City services. The proposed changes were outlined in the staff report submitted to the City Council and are on file in the City Recorder’s office.</li> <li data-bbox="402 1058 1057 1234">◆ An additional proactive element the City Council might want to consider includes phasing in, over a period of five years, the added amount of city property taxes associated with annexation.</li> <li data-bbox="402 1241 1057 1522">◆ No new city was incorporated on Bull Mountain. Nevertheless, events leading up to this incorporation effort will likely color annexation discussions for a long time. Staff believes the proposed Comprehensive Plan changes would help stay the course and clear up ambiguity to make it clear that annexation is required if City of Tigard services are provided.</li> <li data-bbox="402 1528 1057 1631">◆ Council might choose a hybrid policy for annexation from the four policy alternatives: aggressive, proactive, reactive, or inactive.</li> <li data-bbox="402 1638 1057 1740">◆ Council viewed an urban planning area analysis map showing that some unincorporated areas have essentially developed to an urban density.</li> <li data-bbox="402 1747 1057 1875">◆ Long Range Planning Manager Bunch reviewed the following regarding what should be considered in reaching an annexation policy decision:</li> </ul>	

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	<ul style="list-style-type: none"> <li>○ The long-term benefits/interest of Tigard citizens as well as those in the urban growth boundary including government services that are high quality and responsive.</li> <li>○ The benefits of being a Tigard citizen.</li> <li>○ Develop positive relationships with property owners and residents of unincorporated Bull Mountain and Metzger.</li> <li>○ People should not feel coerced to annex; however, a full level of urban services should only be provided to those who are paying for them.</li> <li>○ Logical City boundaries promote the provision of cost-efficient urban services.</li> <li>○ Discussions with the County about its role in providing urban services and its annexation policy. Discuss annexation regulations with Metro and the State of Oregon; where should urban services be provided.</li> <li>◆ Council members discussed their views on how to proceed with setting an annexation policy: <ul style="list-style-type: none"> <li>○ Councilor Woodruff recalled last year's City Council discussion and the proactive/reactive hybrid policy supported by the Council members at that time. He supported continuation of this policy, which is to make the City as attractive as possible to those who might consider annexation and to continue to waive annexation fees. He also supported communicating with unincorporated citizens the message that Tigard would like them to become a part of the City.</li> <li>○ Councilor Sherwood said she has been contacted by people who want to annex but were waiting for the annexation policy to be determined by the Council. She said she could support a three-year property tax phase-in rather than the five years proposed by staff.</li> <li>○ Councilor Buehner indicated she had strong feelings that unincorporated areas of Bull Mountain and Metzger should come into the City of Tigard. She supported the policies as stated above by Councilor Woodruff and Councilor Sherwood. In addition she would</li> </ul> </li> </ul>	

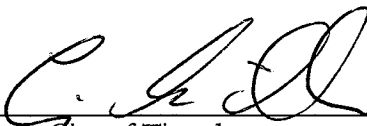
Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>support:</p> <ul style="list-style-type: none"> <li>▪ squaring off city boundaries</li> <li>▪ contacting people who have indicated to her and Councilor Sherwood of their interest in annexing to the City of Tigard</li> <li>▪ determining how people who are not contiguous to the City of Tigard could annex if they wanted to do so</li> <li>▪ working with other agencies including Metro and ODOT</li> <li>▪ favoring a hybrid of elements from the proactive/reactive policy alternatives (does not support aggressive)</li> <li>▪ questioning the urgency for the Comprehensive Plan amendments</li> <li>▪ showing leadership and demonstrating the benefits of becoming a part of the City</li> </ul> <p>○ Mayor Dirksen said he agreed with statements made by the Council members above. He noted concerns with “uneven development”: palatial estates adjacent to high density developments.</p> <p>He supported a hybrid, which he termed as “proactive plus.” He said he did not support involuntary annexations with the possible exceptions of island annexations. Regardless of any policies adopted by Council, Mayor Dirksen said he would not support a “rubber stamp” application of an annexation policy; rather, he said each annexation should be considered on its own merit.</p> <p>Mayor Dirksen supported continuation of the annexation fee waiver and a phase-in of property taxes over a three-year period to lessen the financial obligation for newly annexed property owners.</p> <p>○ Non remonstrance agreements should be reevaluated especially if the Comprehensive Plan is clarified with regard to annexation in order to receive City services.</p>	

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	<ul style="list-style-type: none"> <li>○ Mayor Dirksen noted agreement with previous comments from Councilor Harding calling for building relationships with residents in the unincorporated areas.</li> <li>○ Council will revisit the annexation policy in one year.</li> </ul> <p>City Manager Prosser summarized he heard Council consensus to:</p> <ul style="list-style-type: none"> <li>- Rebuild relationships</li> <li>- Contact owners of undeveloped properties to determine if they would like to annex</li> <li>- Be more aggressive on island annexations</li> </ul> <ul style="list-style-type: none"> <li>○ Councilor Woodruff said he was not yet convinced that it was a good idea to phase in property taxes whereby current Tigard residents would subsidize new residents. Mayor Dirksen said he thought that a burden already exists and over time the subsidy would be reduced. City Manager Prosser agreed that the phase-in of property taxes would provide an opportunity to end the inequity in the third year after annexation.</li> </ul> <p>Long Range Planning Manager Bunch will draft a resolution for City Council's review memorializing an annexation policy based upon the above City Council comments.</p> <p>There was discussion on Councilor Buehner's suggestion to take jurisdiction of Bull Mountain Road to SW 133<sup>rd</sup> Avenue. The Council members agreed that this could be discussed as a separate item from the annexation policy and that the City should contact Washington County officials. Beef Bend Road should also be reviewed with regard to jurisdiction. King City now has jurisdiction to the centerline of a portion of Beef Bend Road.</p>	
> Library Survey	In response to a question from Councilor Harding, City Manager Prosser advised that the library survey is almost half-way completed. He suggested that	

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	next year's survey be modified to ask a question to determine whether or not a respondent is a Tigard resident.	
Adjournment	The meeting adjourned at 8:40 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p> Mayor Dirksen        Yes  Councilor Buehner    Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Woodruff   Yes </p>

  
Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard

Date: March 13, 2007

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